

GAHC010201822024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2961/2024

SABINA YASMIN @ SAMINA YASMIN
D/O SHAJAHAN ALI, R/O WARD NO. 2, KHARUPETIA TOWN, P.S.-
KHARUPETIA, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ABDUL JALIL
S/O LATE BANSER ALI
R/O ISLAMPUR
P.S.-DHULA
DIST- DARRANG
ASSA

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I U CHOWDHURY, MR. A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 08-10-2024

Heard Mr. HRA Choudhury, learned senior counsel assisted by Mr.
I.U. Chowdhury, learned counsel for the petitioner and Mr. M.P. Goswami,

learned Addl. PP, Assam appearing for the state respondent.

This application under section 483 of the BNSS, 2023 is preferred by accused, namely, ***Sabina Yasmin @ Samina Yasmin*** who was arrested on 12.09.2024 in connection with ***Kharupetia PS Case No.106/2024*** under sections ***127(1)/65(1)/351(2) BNS read with section 4/17 of POCSO Act, 2012.***

Perused the materials available on record.

Though notice upon the victim (respondent No.2) is not complete, however, this court is considering the bail application on the basis of the materials available on record, more particularly, on the ground that the sexual offence is alleged to be committed by the accused No.1 and the accused No.2 is the daughter of the owner of the hotel where the offence was committed, inasmuch as she has been arrested for the reason that her father (owner of the hotel) was in hospital.

The learned Addl. PP has vehemently objected to the prayer for bail.

Considering the nature of allegation against the present petitioner so far relating to the offence under sections 4/17 of the POCSO Act, 2012 this court is of the view that further custodial interrogation/detention of the petitioner may not be required. Accordingly, the present application is allowed.

It is directed that the petitioner, above named, in connection with the aforementioned case be released on bail on furnishing a bond of Rs.50,000/- (Rupees fifty thousand) with one solvent surety of the like amount to the satisfaction of the learned Special Judge, Darrang, Mangaldoi, with the following conditions:

- I. The petitioner shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from

its officer in charge;

II. The petitioner shall not hamper with the investigation of the case and tamper with the evidence of the case;

III. The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant